

Part 2

Registration Requirements

13-49-201 Requirement to be registered as an immigration consultant -- Exemptions.

- (1)
 - (a) Except as provided in Subsection (1)(b), an individual may not engage in an activity of an immigration consultant for compensation unless the individual is registered under this chapter.
 - (b) Except for Subsections 13-49-303(3) and (4), this chapter does not apply to an individual authorized:
 - (i) to practice law in this state; or
 - (ii) by federal law to represent an individual before the Board of Immigration Appeals or the United States Citizenship and Immigration Services.
- (2) An immigration consultant may only offer nonlegal assistance or advice in an immigration matter.

Amended by Chapter 348, 2016 General Session

13-49-202 Application for registration.

- (1) To register as an immigration consultant an individual shall:
 - (a) submit an annual application in a form prescribed by the division;
 - (b) pay an annual registration fee determined by the department in accordance with Section 63J-1-504, which includes the costs of the criminal background check required under Subsection (1)(e);
 - (c) have good moral character in that the individual has not been convicted of:
 - (i) a felony; or
 - (ii) within the last 10 years, a misdemeanor involving theft, fraud, or dishonesty;
 - (d) submit fingerprint cards in a form acceptable to the division at the time the application is filed; and
 - (e) consent to a fingerprint background check of the individual by the Utah Bureau of Criminal Identification regarding the application.
- (2) The division shall register an individual who qualifies under this chapter as an immigration consultant.

Amended by Chapter 236, 2015 General Session

13-49-203 Requirement to submit to criminal background check.

- (1) The division shall require an applicant for registration as an immigration consultant to:
 - (a) submit a fingerprint card in a form acceptable to the division; and
 - (b) consent to a fingerprint criminal background check by the Utah Bureau of Criminal Identification.
- (2)
 - (a) The division shall obtain information from a criminal history record maintained by the Utah Bureau of Criminal Identification pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
 - (b) The information obtained under Subsection (2)(a) may only be used by the division to determine whether an applicant for registration as an immigration consultant meets the requirements of Subsection 13-49-202(1)(c).

Amended by Chapter 348, 2016 General Session

13-49-204 Bonds -- Exemption -- Statements dependent on posting bond.

- (1) An immigration consultant shall post a cash bond or surety bond:
 - (a) in the amount of \$50,000; and
 - (b) payable to the division for the benefit of any person damaged by a fraud, misstatement, misrepresentation, unlawful act, omission, or failure to provide services of an immigration consultant, or an agent, representative, or employee of an immigration consultant.
- (2) A bond required under this section shall be:
 - (a) in a form approved by the division; and
 - (b) conditioned upon the faithful compliance of an immigration consultant with this chapter and division rules.
- (3) An immigration consultant shall keep the bond required under this section in force for one year after the immigration consultant's registration expires or the immigration consultant notifies the division in writing that the immigration consultant has ceased all activities regulated under this chapter.
- (4)
 - (a) If a surety bond posted by an immigration consultant under this section is canceled due to the immigration consultant's negligence, the division may assess a \$300 reinstatement fee.
 - (b) No part of a bond posted by an immigration consultant under this section may be withdrawn:
 - (i) during the one-year period the registration under this chapter is in effect; or
 - (ii) while a revocation proceeding is pending against the immigration consultant.
- (5)
 - (a) A bond posted under this section by an immigration consultant may be forfeited if the immigration consultant's registration under this chapter is revoked.
 - (b) Notwithstanding Subsection (5)(a), the division may make a claim against a bond posted by an immigration consultant for money owed the division under this chapter without the division first revoking the immigration consultant's registration.
- (6) An individual may not disseminate by any means a statement indicating that the individual is an immigration consultant, engages in the business of an immigration consultant, or proposes to engage in the business of an immigration consultant, unless the individual has posted a bond under this section that is maintained throughout the period covered by the statement.
- (7) An immigration consultant may not make or authorize the making of an oral or written reference to the immigration consultant's compliance with the bonding requirements of this section except as provided in this chapter.

Amended by Chapter 236, 2015 General Session